

**Assembly Joint Resolution**

**No. 43**

**Introduced by Assembly Member Leno**

February 15, 2006

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Assembly Joint Resolution No. 43—Relative to reauthorization of the federal Voting Rights Act of 1965.

LEGISLATIVE COUNSEL’S DIGEST

AJR 43, as introduced, Leno. Voting Rights Act of 1965.

This measure would memorialize the President and Congress to immediately reauthorize all of those provisions of the federal Voting Rights Act of 1965 that are set to expire in 2007 unless extended by the Congress. The measure would also encourage all Americans to observe the 41st anniversary of the act, celebrate our achievements in voting equality over the years, and tackle the challenges left before us.

Fiscal committee: no.

1 WHEREAS, August 6, 2005, marked the 40-year anniversary  
2 of the enactment of the American Voting Rights Act of 1965  
3 (VRA), one of the most important civil rights laws enacted in our  
4 nation’s history, and enactment of the VRA followed closely on  
5 the heels of the enactment of the Civil Rights Act of 1964, which  
6 made it illegal to discriminate on the basis of race, national  
7 origin, religion, and gender in voting, public places, the  
8 workplace, and schools; and  
9 WHEREAS, Brave Americans of different races, ethnicities,  
10 and religions risked their lives to stand together for political  
11 equality and against racial discrimination in their quest to pass  
12 the Voting Rights Act of 1965, and many Americans died in  
13 pursuit of that quest while demanding that our nation live up to

1 the guarantees enshrined in the 14th and 15th Amendments to the  
2 United States Constitution; and

3 WHEREAS, The historic struggle for equal voting rights led  
4 nonviolent civil rights marchers to gather on the Edmund Pettus  
5 Bridge in Selma, Alabama on March 7, 1965, a day that would  
6 come to be known as “Bloody Sunday,” where brave marchers  
7 met with a brutal response, which in turn ignited the conscience  
8 of the nation to demand fulfillment of our democratic ideals for  
9 all citizens; and

10 WHEREAS, Eight days after Bloody Sunday, President  
11 Lyndon B. Johnson called for a comprehensive and effective  
12 voting rights bill as a necessary response by the federal  
13 government to the violence and interference encountered by  
14 African-Americans when attempting to exercise the right to vote,  
15 a bipartisan Congress approved the Voting Rights Act of 1965  
16 and on August 6, 1965, President Johnson signed this landmark  
17 legislation into law; and

18 WHEREAS, Prior to enactment of the VRA, fewer than 300  
19 African-Americans had held public office nationwide, with  
20 virtually none representing the southern United States, the VRA  
21 ended the practice of requiring literacy tests, poll taxes, and other  
22 mechanisms designed to disenfranchise voters, while it  
23 guaranteed millions of minority voters the equal opportunity to  
24 participate in elections and make their voices heard; and

25 WHEREAS, Forty years later, there are more than 9,100  
26 African-American elected officials, including 43 members of  
27 Congress—the largest number ever recorded in our nation’s  
28 history, the VRA has also opened the political door for many of  
29 the 6,000 Latino public officials who have been elected and  
30 appointed nationwide, including 263 elected at the state or  
31 federal level, 21 of whom serve in Congress; and

32 WHEREAS, Upon extension of the law in 1975 to include  
33 protections for non-English speaking language minorities,  
34 citizens of Latino, Asian, Native American, and Alaskan Native  
35 descent were given greater opportunities to participate in  
36 democracy, and when the United States Department of Justice  
37 stepped in to enforce the language assistance provisions of the  
38 act in San Diego, California in 2004, voter registration among  
39 Latinos and Filipino Americans increased by 20 percent; and

1 WHEREAS, The landmark VRA has enjoyed bipartisan  
2 support, with extensions of key provisions of the act having been  
3 signed into law by four Republican presidents since its  
4 enactment, Nixon, Ford, Reagan, and George H.W. Bush, with  
5 the late President Ronald Reagan coining the right to vote as the  
6 “crown-jewel” of American liberties when he signed into law a  
7 reauthorization of special provisions of the VRA; and

8 WHEREAS, Although most of the VRA has been permanently  
9 enacted, there are crucial provisions set to expire in 2007, unless  
10 President George W. Bush and the Congress act to renew them,  
11 including Section 3 of the VRA, which provides that a federal  
12 court may authorize the appointment of federal examiners to  
13 serve for such period of time as the court deems appropriate to  
14 enforce the voting guarantees of the 14th and 15th amendments  
15 to the United States Constitution; and

16 WHEREAS, The United States Department of Justice has  
17 brought enforcement litigation pursuant to Section 3 of the VRA  
18 in several California communities, many of which are now  
19 certified to receive federal examiners and some of which already  
20 have received examiners at the polls; and

21 WHEREAS, Section 5 of the VRA, which is also set to expire,  
22 requires jurisdictions with a documented history of  
23 discriminatory voting practices to obtain prior approval from  
24 federal officials, preclearance, before changing local election  
25 procedures and California is included in 16 states that are subject  
26 to preclearance requirements under Section 5; and

27 WHEREAS, Sections 6 through 9 of the VRA, also set to  
28 expire, authorize the United States Department of Justice to  
29 appoint observers to monitor elections and prevent efforts to  
30 intimidate minority voters at the polls, a power that has been  
31 exercised at several California polling locations; and

32 WHEREAS, Section 203 of the VRA, which is also set to  
33 expire, guarantees access to election materials in multiple  
34 languages for citizens with limited English proficiency and  
35 California is one of 31 states with Section 203 protections. More  
36 specifically, 26 out of California’s 58 counties are individually  
37 required to provide language assistance for one or more  
38 languages other than English; and

39 WHEREAS, The American Voting Rights Act remains as  
40 relevant and necessary today as the day it was first enacted in

1 1965, while America being at a time when it stakes much of its  
2 international reputation on promoting democracy around the  
3 world, at considerable financial, political, and human cost, we  
4 must ensure the rigorous protection of democracy here at home;  
5 now, therefore, be it

6 *Resolved by the Assembly and the Senate of the State of*  
7 *California, jointly,* That the Legislature memorializes the  
8 President and the Congress of the United States to immediately  
9 reauthorize all of those provisions of the American Voting Rights  
10 Act of 1965 that are set to expire in 2007 unless extended by the  
11 Congress; and be it further

12 *Resolved,* That the Legislature encourages all Americans to  
13 observe the 41st anniversary of the Voting Rights Act of 1965,  
14 celebrate our achievements in voting equality over the years, and  
15 tackle the challenges left before us; and be it further

16 *Resolved,* That the Chief Clerk of the Assembly transmit copies  
17 of this resolution to the President and Vice-President of the  
18 United States, to the Speaker of the House of Representatives,  
19 and to each Senator and Representative from this state in the  
20 Congress.